

REMARKS / ARGUMENTS

This application is believed to be in condition for allowance because the drawings, as amended are believed to be in compliance with 37 CFR 1.84 (p), and the claims are believed non-obvious and patentable over the cited references. The following paragraphs provide the justification for this belief. In view of the following reasoning for allowance, the applicants hereby respectfully request further examination and reconsideration of the subject patent application.

1.0 Objection to Drawings:

The Office Action of May 4, 2005 objected to FIG. 3 as failing to comply with 37 CFR 1.84(p)(4). In particular, the Office Action correctly identified three typographical errors in Fig. 3.

First, the Office Action noted that reference character “345” in FIG. 3 incorrectly designated both the Company A image and the address in FIG. 3. The replacement drawing sheet included with this response has been amended such that the reference character designating the address is now “355.” Note that the original specification describes reference character “355” on page 29, line 17-22 as “the address 355 for Company A.”

Second, the Office Action noted that reference character “355” points to the automatically generated Company A web page in FIG. 3, but it is described as the Company A address in the specification. The replacement drawing sheet included with this response has been amended such that the reference character designating the Company A web page is now “335.” Note that the original specification describes reference character “335” on page 29, line 17-22 as “a web page 335 for a Company A website 340.”

Third, the Office Action noted that while page 29, line 26 of the specification referred to reference character "355," this reference character was not included in the drawings. As noted above, the replacement drawing sheet included with this response has been amended such that the reference character designating the Company A web page is now "335." Note that the original specification describes reference character "335" on page 29, line 17-22 as "a web page 335 for a Company A website 340."

Finally, the Office Action suggested that FIG. 3 included reference character "340" which was not mentioned in the description. However, the original specification describes reference character "335" on page 29, line 17-22 as "a web page 335 for a Company A website **340**." Consequently, applicants respectfully traverse the objection to the drawings with respect to reference character "340" of FIG. 3.

In view of the above described amendments to FIG. 3, Applicants respectfully request withdrawal of the objections to the drawings, and respectfully suggest that the drawings are now in compliance with 37 CFR 1.84(p).

2.0 Rejections under 35 U.S.C. §101:

In the Office Action of May 4, 2005, claims 18-23 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, the Office Action suggested that each claim is recited as being embodied on computer-readable media, which Applicants specification discloses as encompassing communications media, which may be intangible matter such as a carrier wave (see specification, page 13, lines 10-11 and 22-23).

The Applicants respectfully disagree with the suggestion that claims 18-23 are directed to non-statutory subject matter, and respectfully traverse the rejection of claims 18-23. In particular, if claim 18 is construed as the Examiner suggests, it would in

essence be claiming a modulated signal, such as a carrier wave, that includes the claimed instructions.

The USPTO recognizes such a claim as patentable subject matter. Evidence of this can be found in the training materials associated with the USPTO's Examination Guidelines for Computer-Related Inventions (available for viewing at the following address: http://www.uspto.gov/web/offices/pac/dapp/mppe_examguide.html.) In an example case entitled "Automated Manufacturing Plant," Claim 13 is analyzed and found to be a statutory article of manufacture claim. This claim was directed toward "a **computer data signal embodied in a carrier wave.**" Note that this claim analysis is available for viewing at <http://www.uspto.gov/web/offices/pac/dapp/pdf/compenex.pdf>. However, a copy of the analysis of Claim 13 from the Guidelines and the results thereof is attached to this response. In particular, on attached page 39, notes 3 and 4 recite the following with respect to carrier waves:

Note 3: "Claimed invention recites specific software embodied on a computer-readable medium, i.e., **specific software embodied in a carrier wave.**" (emphasis added)

Note 4: "Most likely, the "data signal" does not occur as a natural phenomenon. The Examiner bears the burden of establishing that a claimed invention is a natural phenomenon. **Therefore, absent object evidence to support the position that the "data signal" is a natural phenomenon, such a position would be untenable.**" (emphasis added)

Accordingly, given that claims 18-23 are directed toward statutory subject matter, it is respectfully requested that these claims be allowed.

CONCLUSION

In view of the above, it is respectfully submitted that claims 1-23 are in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of claims 18-23 and, and objection to the drawings, and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (805) 278-8855 if the Examiner has any questions or concerns.

Respectfully submitted,

Mark Watson

Mark A. Watson
Registration No. 41,370
Attorney for Applicants

Lyon & Harr
300 Esplanade Drive, Suite 800
Oxnard, California 93036
(805) 278-8855